

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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**In Re: TERRORIST ATTACKS OF  
SEPTEMBER 11, 2001**

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)  
) **03 MDL 1570 (RCC)**  
)  
) **04 CV 1076**  
) **04 CV 1923**

**STATEMENT OF DELAYED FILING**

COMES NOW, Lisa Freiman Fishberg, counsel for Defendants Martin Wachter, Erwin Wachter, Secor Treuhand Anstalt, and Asat Trust Reg., and hereby states as follows:

On August 1, 2005, I repeatedly attempted to file via ECF the Defendants' Motion to Dismiss. The Court's ECF site was experiencing technical difficulties, and I was unable to log on and file Defendants' Motion. At approximately 4:00 p.m. on August 1, 2005, the Court posted a notice on its website that the ECF server was down and would not be restored until 8:00 a.m. on August 2, 2005. I notified Plaintiffs' counsel of this problem and they consented to the submission of our filing on August 2, 2005.

August 2, 2005

Respectfully submitted,

/s/

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